

RATTET, PASTERNAK & GORDON-OLIVER, LLP
Proposed Attorneys for the Debtor
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Robert L. Rattet, Esq. (2479)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 11

Case No. 10 B 41193

COFIRE PAVING CORP.

Tax Id No.: 11-1541768
-----X

AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 1007-4

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Ross J. Holland, being duly sworn, deposes and says:

1. I am the President of Cofire Paving Corp., a New York corporation with a mailing address at P.O. Box 604384, Bayside, New York 11360-4384 ("Petitioner"). I submit this Affidavit pursuant to Local Bankruptcy Rule 1007-4.

Local Rule 1007-4(a)(i)

2. Petitioner is a small business debtor within the meaning of Bankruptcy Code § 101(51D).

Local Rule 1007-4(a)(ii)

3. Petitioner was in the business of owning an asphalt manufacturing facility and operating as a municipal construction contractor. Petitioner ceased active operations in 2006. At

that time Petitioner had completed its contractual obligations with the New York City Department of Design and Construction. Petitioner was unable to reach an agreement with the labor union representing the asphalt plant workers resulting in a situation where Petitioner's financial obligations exceeded its resources.

4. As a result of the foregoing, Petitioner was unable to keep current on its outstanding obligations to its creditors, which has resulted in claims against Petitioner.

5. In 2006, James Juliano, Petitioner's secured creditor, foreclosed on the assets securing the indebtedness to Juliano, which assets were substantially all of Petitioner's assets. As a result of the Juliano foreclosure, petitioner was forced to cease operations.

Local Rule 1007-4(a)(iii)

6. This case was not originally commenced under Chapter 7 or 13 of the Bankruptcy Code.

Local Rule 1007-4(a)(iii)

7. No committee was organized prior to the filing of this case.

Local Rule 1007-4(a)(v)

8. A schedule of the Debtor's 20 largest unsecured creditors is annexed hereto as Exhibit "A".

Local Rule 1007-4(a)(vi)

9. The Debtor's secured creditors as stated in Exhibit "B".

Local Rule 1007-4(a)(vii)

10. A summary of the Debtor's assets and liabilities is annexed as Exhibit "C".

Local Rule 1007-4(a)(viii)

11. The Debtor does not have any publicly held shares of stock, debentures or

other securities.

Local Rule 1007-4(a)(ix)

12. The Debtor's property is not in the possession or custody of any custodian, public officer, mortgagee, pledge, secured creditor, or agent for such entity.

Local Rule 1007-4(a)(x)

13. The Debtor has its office and operates its business from 414-37 27th Avenue, Bayside, New York 11360.

Local Rule 1007-4(a)(xi)

14. The Debtor's substantial assets are located at the residence of its President, Ross J. Holland, 214-37 27th Avenue, Bayside, New York 11360 and College Point Self Storage, 20-20 129th Street, College Point, New York 11356.

Local Rule 1007-4(a)(xii)

15. A list of pending actions against the Debtor or its property is annexed hereto as Exhibit "D":

Local Rule 1007-4(a)(xiii)

16. The Debtor's senior management is comprised of Ross J. Holland, President; John Ficarelli Vice President and Treasurer and Robert Ficarelli, Secretary.

Local Rule 1007-4(a)(xiv)

17. The estimated payroll to employees (exclusive of officers, directors, stockholders and partners) for the thirty (30) day period following the filing of the chapter 11 petition is \$0.

Local Rule 1007-4(a)(xv)

18. The estimated amount to be paid for services to its officer, director and

shareholders for the thirty (30) day period following the filing of the Chapter 11 petition is \$0.

Local Rule 1007-2(b)(3)

19. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees is annexed as Exhibit "E".

CONCLUSION

20. In addition to the foregoing, a copy of the corporate resolution authorizing the filing of the instant Chapter 11 petition is annexed as Exhibit "F".

21. A list of all shareholders, directors and officers is annexed as Exhibit "G".

22. The Debtor believes it is in the best interests of all of its creditors that it be afforded an opportunity to reorganize its obligations in Chapter 11.

23. The needs and interests of the Debtor and its creditors will best be served by the Debtor's possession of its assets and management of its affairs as a Debtor-in-Possession under Chapter 11 until confirmation of a Plan.

24. Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: White Plains, New York
February 9, 2010

/s/ Ross J. Holland
Ross J. Holland, President

Sworn To Before Me This
9th day of February, 2010

/s/ Patricia A. Cafasso
Patricia A. Cafasso
Notary Public, State of New York
No. 4649154
Qualified in Queens County
Commission Expires November 30, 2010

EXHIBIT "A"
TWENTY LARGEST UNSECURED CREDITORS*

United States Bankruptcy Court
Eastern District of New York

In re Cofire Paving Corp.

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER 1 CENTRE STREET ROOM 1122 NEW YORK, NY 10007-2341	THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER 1 CENTRE STREET ROOM 1122 NEW YORK, NY 10007-2341	PREVAILING WAGE CLAIM	Disputed	625,582.77
CODY CONSTRUCTION CORP. 213-19 99TH AVENUE QUEENS VILLAGE, NY 11429	CODY CONSTRUCTION CORP. 213-19 99TH AVENUE QUEENS VILLAGE, NY 11429			239,698.70
TILCON NEW YORK INC. P.O. BOX 34550 NEWARK, NJ 07189	TILCON NEW YORK INC. P.O. BOX 34550 NEWARK, NJ 07189			221,104.30
ROAD TECH INC. P.O. BOX 538437 ATLANTA, GA 30353	ROAD TECH INC. P.O. BOX 538437 ATLANTA, GA 30353			192,612.09
FIREMAN'S FUND INSURANCE CO. DEPT CH-10273 PALINTINE, IL 60055	FIREMAN'S FUND INSURANCE CO. DEPT CH-10273 PALINTINE, IL 60055			42,886.94
FLEET TRUCKING INC. 457 BLAKE AVENUE BROOKLYN, NY 11212	FLEET TRUCKING INC. 457 BLAKE AVENUE BROOKLYN, NY 11212			39,778.13
ANDREWS TRUCKING INC. 38 SOUTH DRUM STREET STATEN ISLAND, NY 10309	ANDREWS TRUCKING INC. 38 SOUTH DRUM STREET STATEN ISLAND, NY 10309			38,458.63
THE SOLLAMI COMPANY 1200 WEAVER ROAD HERRIN, IL 62948	THE SOLLAMI COMPANY 1200 WEAVER ROAD HERRIN, IL 62948			30,622.96
S.J. FUEL CO. 601 UNION STREET BROOKLYN, NY 11215	S.J. FUEL CO. 601 UNION STREET BROOKLYN, NY 11215			25,383.48
CHEIF ENERGY CORP. 918 MCDONALD AVENUE BROOKLYN, NY 11218	CHEIF ENERGY CORP. 918 MCDONALD AVENUE BROOKLYN, NY 11218			20,060.21

In re **Cofire Paving Corp.**

Case No. _____

Debtor(s) _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
AMERICAN SWEEPING SERVICES 457 BLAKE AVENUE BROOKLYN, NY 11212	AMERICAN SWEEPING SERVICES 457 BLAKE AVENUE BROOKLYN, NY 11212			12,819.16
ZANO INDUSTRIES INC. 130-24 20TH AVENUE COLLEGE POINT, NY 11356	ZANO INDUSTRIES INC. 130-24 20TH AVENUE COLLEGE POINT, NY 11356			8,186.96
MRM INDUSTRIES 101-57 104TH STREET OZONE PARK, NY 11416	MRM INDUSTRIES 101-57 104TH STREET OZONE PARK, NY 11416			6,024.88
NEW YORK CRANE & EQUIPMENT COR 286 CENTRAL AVENUE SOUTH KEARNY, NJ 07032	NEW YORK CRANE & EQUIPMENT COR 286 CENTRAL AVENUE SOUTH KEARNY, NJ 07032			5,171.00
MYSTIC TANK LINES CORP. P.O. BOX 3027 HICKSVILLE, NY 11802	MYSTIC TANK LINES CORP. P.O. BOX 3027 HICKSVILLE, NY 11802			4,649.84
COBRA MATERIALS INC. P.O. BOX 4025 MIDDLETOWN, NJ 07748	COBRA MATERIALS INC. P.O. BOX 4025 MIDDLETOWN, NJ 07748			4,375.00
GANESH GAS STATION INC. 27-24 COLLEGE POINT BLVD COLLEGE POINT, NY 11356	GANESH GAS STATION INC. 27-24 COLLEGE POINT BLVD COLLEGE POINT, NY 11356			4,299.00
RAW EQUIPMENT CORP. 2800 COLLEGE POINT BLVD COLLEGE POINT, NY 11354	RAW EQUIPMENT CORP. 2800 COLLEGE POINT BLVD COLLEGE POINT, NY 11354			4,212.23
HOT MIX PARTS P.O. 436089 LOUISVILLE, KY 40253	HOT MIX PARTS P.O. 436089 LOUISVILLE, KY 40253			4,167.16
ARROCHAR FUEL CORPORATION 459 SHARROTT'S ROAD STATEN ISLAND, NY 10309	ARROCHAR FUEL CORPORATION 459 SHARROTT'S ROAD STATEN ISLAND, NY 10309			3,739.11

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the President of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date February 9, 2010

Signature /s/ Ross J. Holland
Ross J. Holland
President

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

EXHIBIT "B"

FIVE LARGEST SECURED CREDITORS

<u>NAME</u>	<u>AMOUNT OWED</u>
TILCON NEW YORK INC. P.O. BOX 34550 NEWARK, NJ 07189	\$251,936.50 (judgment)
FIREMAN'S FUND INSURANCE CO. DEPT CH-10273 PALINTINE, IL 60055	42,886.94 (judgment)
S.J. FUEL CO. 601 UNION STREET BROOKLYN, NY 11215	\$32,208.91 (judgment)
THE SOLLAMI COMPANY 1200 WEAVER ROAD HERRIN, IL 62948	\$30,622.96 (judgment)
CHEIF ENERGY CORP. 918 MCDONALD AVENUE BROOKLYN, NY 11218	\$19,658.00 (judgment)

EXHIBIT "C"

SUMMARY OF ASSETS AND LIABILITIES

Cofire Balance Sheet
1-23-2010

<u>ASSETS</u>	<u>AMOUNT</u>
Petty Cash	\$ 135.16
Goetz Fitzpatrick Escrow	\$ 118.71
NYS Tax Prepayment	\$ 25.00
Total Assets	<u>\$ 278.87</u>
<u>LIABILITIES</u>	<u>AMOUNT</u>
Accounts Payable	<u>\$932,651.24</u>

EXHIBIT D

SCHEDULE OF PENDING LITIGATION

Tilcon New York Inc. v. Cofire Paving Corp. et al., Supreme Court, Rockland County, Index No.13426/08

Denise Shelton v. Consolidated Edison et al., Supreme Court, Kings County, Index No. 3772/07.

Maria Muniz v. The City of New York et al., Supreme Court, Kings County, Index No. 3150/08.

Sheila Leibowitz v. 2555 East 12th Street Corporation et al., Supreme Court, Kings County, Index No. 11308/08.

Thomas Whittaker v. The City of New York et al., Supreme Court, Kings County, Index No. 11925/09.

George Diaz v. The City of New York, et al., Supreme Court, Kings County, Index No. 5188/09.

Alicja Kasperek v. The City of New York et al., Supreme Court, Kings County, Index No. 23224/08.

Jason Applebaum v. Cofire Paving, Supreme Court, Kings County, Index No. 7310/07.

Fany Cahane v. Cofire Paving, Supreme Court, Kings County, Index No. 31150/06.

Richard Campbell v. Cofire Paving, Supreme Court, Kings County, Index No.29105/06.

Darryl Dorner v. Cofire Paving & NYC, Supreme Court, Kings County, Index No. 24334/06.

Lorna Hansen v. Cofire Paving, Supreme Court, Richmond County, Index No.102042/07.

Carmen John v. Cofire Paving Corp., Supreme Court, Kings County, Index No. 29992/07.

Mary Johnson v. Cofire Paving, Supreme Court, Kings County, Index No. 36218/07.

Golfo Karageorges v. Cofire Paving Corp., Supreme Court, Kings County, Settled Pending Surrogate Approval.

Paula Katinas v. Cofire Paving Corp., Supreme Court, Kings County, Index No. 34398/06.

Juana Peguero v. Cofire Paving Corporation, Supreme Court, Kings County, Index No.18833/07.

EXHIBIT 'D' (CONT)

Cynthia Rabinowitz v. Cofire Paving Corporation, Supreme Court, Kings County, Index No. 29674/07.

Barbara Reyes v. Cofire Paving, Supreme Court, Kings County, Index No. 16515/03.

Mayer Salamon v. Cofire Paving, Supreme Court, Kings County, Index No. 9447/07.

Regina Velardi v. Cofire Paving, Supreme Court, Kings County, Index No. 36622/06.

Shifra Weiss v. Cofire Paving, Supreme Court, Kings County, Index No. 14745/07.

Tavian Williams v. Cofire Paving, Supreme Court, Richmond County, Index No. 100582/08.

Hryhurchuk, Walters & Walters v. Cofire Paving, Supreme Court, Kings County, Index No. 53508/02

Tritt, Lee Ford v. Cofire Paving, Supreme Court, New York County, Index No. 103555/03

Saunders, Quentzel v. Cofire Paving, Supreme Court, Kings County, Index No. 10313/05

Tsypenyuk, Sofa v. Cofire Paving, Supreme Court, Kings County, Index No. 33673/06

Safir, Fanny v. Cofire Paving, Supreme Court, Index No. 35359/07

Delores Roschure v. Cofire Paving, Supreme Court, Kings County, Index No. 42393/07

Yesina, Roza v. Cofire Paving, Supreme Court, Kings County, Index No. 42295/07

Evans, Eva v. Cofire Paving, Supreme Court, Kings County, Index No. 25094/09

Lategola, Joanne v. Cofire Paving, Supreme Court, Kings County, Index No. 18214/09

Anna Egan v. Cofire Paving, Supreme Court, Kings County, Index No. 3969/08

EXHIBIT "E"

**SCHEDULE OF ESTIMATED CASH RECEIPTS
AND DISBURSEMENTS FOR THE THIRTY DAY PERIOD FOLLOWING FILING OF
THE CHAPTER 11 PETITION**

The Debtor does not anticipate any receipts or making any disbursements during the 30 days following the filing.

EXHIBIT "F"

**United States Bankruptcy Court
Eastern District of New York**

In re **Cofire Paving Corp.**
Debtor(s)

Case No. _____
Chapter **11**

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **Ross J. Holland**, declare under penalty of perjury that I am the **President** of **Cofire Paving Corp.**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 9th day of February, 2010.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Ross J. Holland, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Ross J. Holland, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Ross J. Holland, President** of this Corporation is authorized and directed to employ **Robert L. Rattet**, attorney and the law firm of **Rattet, Pasternak & Gordon-Oliver, LLP** to represent the corporation in such bankruptcy case."

Date **February 9, 2010**

Signed **/s/ Ross J. Holland**
Ross J. Holland

Resolution of Board of Directors
of
Cofire Paving Corp.

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Ross J. Holland, President** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **Ross J. Holland, President** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **Ross J. Holland, President** of this Corporation is authorized and directed to employ **Robert L. Rattet**, attorney and the law firm of **Rattet, Pasternak & Gordon-Oliver, LLP** to represent the corporation in such bankruptcy case.

Date February 9, 2010

Signed /s/ Ross J. Holland
Ross J. Holland

EXHIBIT "G"

**OFFICERS, DIRECTORS, SHAREHOLDERS
AND AFFILIATES OF COFIRE PAVING CORP.**

Officers: Ross J. Holland, President
 John Ficarelli, Treasurer
 Robert Ficarelli, Secretary

Directors: Ross J. Holland
 John Ficarelli
 Robert Ficarelli

Shareholders: Ross J. Holland (33 and 1/3%)
 John Ficarelli (33 and 1/3%)
 Robert Ficarelli (33 and 1/3%)

Affiliates: Cofire Industries, Inc.